

SSRO

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Ref: SSRO/RFI 037

24 August 2020

Dear [REDACTED]

Thank you for your email communication of 9 August 2020 requesting information under the Freedom of Information Act 2000 on the subject of 'whistleblowers'. This has been allocated the reference number RFI 037.

The SSRO is a Prescribed Person to whom protected disclosures may be made under the Employment Rights Act 1996. As a result, the SSRO can consider and act on 'qualifying disclosures' in line with the requirements of that Act. A 'qualifying disclosure' is a report by a worker of malpractice or wrongdoing such as a criminal offence, failure to comply with legal obligations, or deliberately concealing information. The worker must reasonably believe that the disclosure tends to show one or more aspect of malpractice or wrongdoing and that the disclosure is in the public interest.

The SSRO has published its [Whistleblowing Policy](#) on its website, setting out the process by which whistleblowers may raise concerns, and the steps the SSRO will take to ensure whistleblowers are protected and that concerns are addressed. The policy is attached to this email for ease of reference.

The SSRO does not hold all the information requested. Where information requested is held, you have been directed in our response below to the relevant paragraphs of the SSRO's policy. Where information is not held, this has been clearly identified in our response.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original request and should be addressed to: Neil Swift, c/o Enquiries, enquiries@ssro.gov.uk.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

[REDACTED]

Enquiries
Single Source Regulations Office

[see below]

RFI 037

1. Does your Organisation take action to protect external whistleblowers from unjustified treatment by their employers or others?

The SSRO holds the information requested. The SSRO's Whistleblowing Policy refers at paragraphs 3.8 and 3.11 to 3.13 to the legal protection afforded to external whistleblowers. The SSRO has no power to directly affect the actions of third parties but it may refer matters to appropriate authorities (see diagram at page 6 of the Policy and paragraph 4.8) and it will appropriately protect the anonymity of complainants as set out a paragraphs 6.1 to 6.3 of the Policy.

2. Does any protection against unjustified treatment provided by your organisation extend to persons reporting on behalf of external whistleblowers?

The SSRO holds the information requested. The SSRO's Whistleblowing Policy refers at paragraphs 3.8 and 3.11 to 3.13 to the legal protection afforded to external whistleblowers, which may in some circumstances include persons reporting on behalf of others. The SSRO has no power to directly affect the actions of third parties but it may refer matters to appropriate authorities (see diagram at page 6 of the Policy and paragraph 4.8) and it will appropriately protect the anonymity of complainants as set out at paragraphs 6.1 to 6.3 of the Policy.

3. Does any protection extend to proposed or intended unjustified action against an external whistleblower contemplated by his/her employer or another in respect of the disclosure?

The SSRO holds the information requested. The SSRO's Whistleblowing Policy refers at paragraphs 3.8 and 3.11 to 3.13 to the legal protection afforded to external whistleblowers. The SSRO has no power to directly affect the actions of third parties but it may refer matters to appropriate authorities (see diagram at page 6 of the Policy and paragraph 4.8) and it will appropriately protect the anonymity of complainants as set out a paragraphs 6.1 to 6.3 of the Policy.

4. Does your organisation offer any reward or bounty for information received from an external whistleblower in respect of information about which you are the prescribed body or person?

The SSRO does not hold the information requested. However, it is confirmed that it does not offer rewards or bounties for information received.

5. Does your organisation publish for the public a step by step guide on how it follows up on external whistleblower information?

The SSRO holds the information requested. How the SSRO will respond to a disclosure is referred to at paragraphs 3.6 to 3.10 of the SSRO's Whistleblowing Policy, which is attached.

6. Where your organisation does not feel itself to be legally competent to engage with a disclosure made by an external whistleblower, do you have a policy and process to refer that disclosure to another prescribed body/person/regulator or other agency better placed to deal with it?

The SSRO holds the information requested. How the SSRO will respond to a disclosure, which includes referring it to an appropriate body, is referred to in the SSRO's attached Whistleblowing Policy at paragraphs 3.6 to 3.10, paragraph 4.8 and in the diagram on page 6.

- 7. Where in the circumstances described in Q6 above, your organisation passes information to another prescribed body etc., do you have a policy and process to advise the external whistleblower that the disclosure has been passed to another body etc?**

The SSRO holds the information requested. The way in which the external whistleblower will be kept informed is referred to at paragraph 5.1 of the SSRO's Whistleblowing Policy, which is attached.

- 8. Where an external whistleblower may be dissatisfied with his/her dealings with your organisation, is there an appeals policy and process which engage someone who is independent of the investigating department?**

The SSRO holds the information requested. Advice for whistleblowers who are dissatisfied is referred to at paragraph 7 of the SSRO's Whistleblowing Policy, which is attached.

- 9. Does your organisation publish FAQ to advise and assist external whistleblowers considering making a disclosure to you?**

The SSRO does not hold the information requested. However, it is confirmed that the SSRO does not publish such FAQs.

- 10. Does all your staff which communicates with or otherwise manages external whistleblowers receive specialist and on-going training for that purpose?**

The SSRO provides relevant training to staff engaged on dealing with external whistleblowers, such as employment law updates.

- 11. Where, following a disclosure to your organisation by an external whistleblower about a matter for which you are prescribed, an alleged act of retaliation occurs against the external whistleblower by the employer or another person, does your organisation investigate the alleged act of retaliation?**

The SSRO does not hold the information requested. The SSRO has no power to directly affect the actions of third parties but it may refer matters to appropriate authorities (see diagram at page 6 of the Policy and paragraph 4.8)..

- 12. Please describe what criteria you consider in deciding whether to investigate information received from an external whistleblower about a matter in respect of which you are prescribed?**

The SSRO holds the information requested. A definition of a "qualifying disclosure" is provided at paragraph 2.2 of the SSRO's Whistleblowing Policy, which is attached.

13. Does your organisation distinguish between public complaints and disclosures from external whistleblowers?

The SSRO holds the information requested. The SSRO distinguishes between qualifying disclosures and non-qualifying disclosures using the definition provided at paragraph 2.2 of the SSRO's Whistleblowing Policy, which is attached.

14. Apart from any information on your website, does your organisation undertake any public awareness programme(s) regarding whistleblowing?

The SSRO does not hold the information requested. However, it is confirmed that the SSRO does not undertake public awareness programmes regarding whistleblowing.

15. In respect of Article 5(c)(ii), Prescribed Persons (Reports on Disclosures of Information) Regulations 2017, please disclose any and all reports (suitably redacted, where appropriate) which describe how disclosures from workers in other organisations (not your Organisation) have impacted on your Organisation's ability to perform its functions and meet its objectives during the reporting periods 2017 – 18, 2018 – 19, 2019 – 20.

The SSRO does not hold the information requested. A summary is set out below, which shows that the SSRO has received no relevant complaints in the specified periods.

Year	Information reported	Source document
2017/18	During the year, the SSRO received three disclosures under its Whistleblowing Policy. However, in all three cases the matter fell outside of the SSRO's remit. Where the whistleblower gave us permission to do so, we forwarded the information to the relevant organisation.	SSRO Annual Report and Accounts 2017/18
2018/19	During the year, the SSRO received no disclosures under its Whistleblowing Policy.	SSRO Annual Report and Accounts 2018/19
2019/20	During the year, the SSRO received no disclosures under its Whistleblowing Policy about its own operation or staff and received no external complaints.	SSRO Annual Report and Accounts 2019/20